

DOMINICK FIX-GONZALEZ
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Pro Se Defendant

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

SAMUEL WANI

PLAINTIFF,

Case No.: 3:17-cv-1011-yy

v.

**DEFENDANT DOMINICK FIX-
GONZALEZ'S ANSWER TO
PLAINTIFF'S COMPLAINT**

**GEORGE FOX UNIVERSITY,
PROVIDENCE MEDICAL GROUP, DR.
THOMAS CROY, MD, DOMINICK FIX-
GONZALEZ, GREGG BOUGHTON,
CHRIS CASEY, JOHN BATES, IAN
SANDERS, GAVE HABERLY, CRAIG
TAYLOR, DAVE JOHNSTONE, MARK
POTHOFF, SARAH TAYLOR,**

DEFENDANTS

Defendant Dominick Fix-Gonzalez answers the complaint as follows:

1.

Admit that I attended George Fox and participated in football there. Admit that plaintiff participated in football at George Fox for a short time that overlapped with my time on the team.

2.

Admit that plaintiff made a complaint to George Fox alleging that I edited a picture of him in a way that he found offensive.

3.

Admit that George Fox looked into the plaintiff's complaint and followed up with me about it.

4.

Except as expressly admitted, I deny all of the allegations of the complaint that pertain to me. As to the allegations of the complaint that have nothing to do with me, which is much of the complaint, I deny them based on a lack of information.

FIRST AFFIRMATIVE DEFENSE

5.

(Lack of Service)

I have not been properly served with a copy of the complaint.

SECOND AFFIRMATIVE DEFENSE

6.

(Failure to State a Claim)

The complaint fails to state a claim upon which relief can be granted.

THIRD AFFIRMATIVE DEFENSE

7.

(Lack of Jurisdiction)

There is no federal court subject matter jurisdiction for this matter. I am not subject to the personal jurisdiction of the court as (1) I have not been served and (2) I am not a resident of Oregon.

FOURTH AFFIRMATIVE DEFENSE

8.

(Contributory Fault)

Plaintiff's injuries and damages, if any, are a result of his own actions and inactions.

FIFTH AFFIRMATIVE DEFENSE

9.

(Statute of Limitations)

The complaint was not filed and served within the time allowed by applicable statute.

SIXTH AFFIRMATIVE DEFENSE

10.

(Mootness & Inappropriate Injunctive Relief)

The relief the complaint seeks against me is me being suspended from George Fox and kicked off the football team. I am no longer enrolled at George Fox and am no longer on the football team there and have no plan to return, so there is no relief requested by plaintiff against me that the court could possibly impose. Further, this is an inappropriate request for injunctive relief by the court.

11.

(Other Action Pending)

Plaintiff has filed two substantially identical lawsuits seeking the same relief over the same alleged conduct. The cases need to be consolidated.


REQUEST FOR SANCTIONS

I reside in California and am attending a police academy while serving as a Marine Corps reservist. The allegations of this lawsuit are transparently frivolous and absurd—like seeking \$40 million for a lost NFL career by an aging athlete who wasn't good enough to play college football at a bigger program than George Fox, which is as small as college football gets. Plaintiff's claim of a lost NFL career is a pipe dream that most kids get over before they finish high school. I had nothing whatsoever to do with the alleged thumb injury and cannot conceive of how I may have negatively impacted plaintiff's ability to earn a living, as an NFL player or otherwise. I am African-American myself, like plaintiff. The allegation that I racially harassed plaintiff is false and highly offensive. Plaintiff has filed two substantially identical lawsuits for conduct that occurred too long ago to be actionable under the statutes of limitations. This lawsuit is a waste of public resources and imposes an inappropriate, significant burden on me. I ask that the court enter a sanction appropriate to remedy the situation.

Having answered the complaint, I ask that it be dismissed with prejudice and judgment entered in my favor.

DATED this 25th day of September, 2017.

By:

Dominick Fix-Gonzalez 
Dominick Fix-Gonzalez
Pro Se Defendant

DECLARATION OF SERVICE

I, DOMINICK FIX-GONZALEZ hereby declare that I served the foregoing

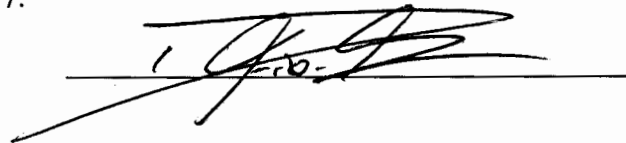
- **DEFENDANT DOMINICK FIX-GONZALEZ'S ANSWER TO PLAINTIFF'S COMPLAINT**

Samuel W. Wani
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by mailing a full, true and correct copy thereof in a sealed first-class postage-prepaid envelope, addressed to the attorney shown above, the last-known office of the attorney, and deposited with the United States Postal Service at Portland, Oregon, on the date shown below.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED this 28th day of September, 2017.

A handwritten signature in black ink, appearing to read "D. Fix-Gonzalez", is written over a horizontal line.